UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.242/L.5
25 July 1994

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE ELABORATION
OF AN INTERNATIONAL CONVENTION
DEALING WITH THE SAFETY AND
SECURITY OF UNITED NATIONS AND
ASSOCIATED PERSONNEL
1-12 August 1994
Agenda item 5

ELABORATION, PURSUANT TO PARAGRAPH 1 OF GENERAL ASSEMBLY RESOLUTION 48/37 OF 9 DECEMBER 1993, OF AN INTERNATIONAL CONVENTION DEALING WITH THE SAFETY AND SECURITY OF UNITED NATIONS AND ASSOCIATED PERSONNEL, WITH PARTICULAR REFERENCE TO RESPONSIBILITY FOR ATTACKS ON SUCH PERSONNEL

Proposal by the delegation of Poland

1. The delegation of the Republic of Poland, taking into account the views and opinions expressed by other delegations during the first session of the Ad Hoc Committee and wishing to contribute to the progress of its work, herewith submits a draft proposal for two initial articles dealing with definitions and application of the future convention.

2. These articles were thoroughly discussed at the first session though there was no agreement reached about their inclusion in a definite form in the negotiating text. The Polish delegation wishes to propose a compromise version which could be acceptable for other members of the Committee. To this end we also consider useful a reservation clause to be included in article 2, paragraph 4, enabling some States to accept a narrower scope of obligations without total rejection of the convention.

"Article 1

"Definitions

"For the purpose of this Convention:

"1. 'United Nations personnel' means those persons in respect of whom this Convention applies in accordance with article 2.

"2. 'United Nations operation' means an operation authorized by the Security Council, the General Assembly, the Secretary-General or a specialized agency or other organ or programme of the United Nations.

"3. 'Host State' means a State in whose territory the United Nations operation is conducted and, with exception of article 4, paragraph 1, in whose territory United Nations personnel are in transit directly before or after such operation.

"Article 2

"Application

"1. This Convention shall apply in respect of all persons, military and civilian, assigned by the Secretary-General or a specialized agency or other organ or programme of the United Nations to participate in order to carry out activities in connection with a United Nations operation.

"2. This Convention shall not apply where the operation was authorized by the Security Council as an enforcement action.

"3. This Convention shall also apply in respect of all persons assigned by any other intergovernmental or non-governmental agency or organization undertaking humanitarian activities in connection with a United Nations operation where such agency or organization is operating pursuant to an agreement or a contract with the United Nations.

"4. This Convention shall not apply where the crime against United Nations personnel is committed within a single State, the victim and the alleged offender are nationals of that State and the alleged offender is found in the territory of that State.

"5. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 3 of this article. The other States Parties shall not be bound by paragraph 3 of this article with respect to any State Party which has made such a reservation."